

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

UNITED STATES and STATE OF TEXAS  
*ex rel.* DANIEL W. ELLIOTT, M.D. and  
LISA A. MINSLOFF, M.D.,

Plaintiffs,

v.

SOUTHEAST TEXAS MEDICAL  
ASSOCIATES, LLP et al.,

Defendants.

**No. 1:23-CV-00329-MJT**

**JOINT MOTION TO ENTER BRIEFING SCHEDULE**

Per the parties' March 14, 2025 Status Report (Dkt. 144), the parties file this Joint Motion to Enter Briefing Schedule for (a) Defendants' motion to partially lift the existing stay of the case, or in the alternative to extend the existing stay of discovery, and (b) Defendants' renewed motions to dismiss.

With respect to the stay, in March 2024, the Court held a status conference. At that conference, the Court requested that Defendants Baptist Hospitals of Southeast Texas and Dr. James Holly ("Defendants") withdraw their previously filed motions to dismiss without prejudice, so that Relators could continue their then-ongoing settlement discussions with SETMA, Dr. Muhammad Aziz, Dr. Vijay Kumar, Dr. Mary Castro, Dr. Michael Thomas, Dr. Syed Anwar, Dr. Ronald Palang, Dr. Absar Qureshi, Dr. Dean Halbert, and Dr. Caesar Deiparine (collectively, the "SETMA Defendants") and OnPoint Lab, L.L.C. ("OnPoint") (Dkts. 133, 134.) The Court also directed that discovery be stayed pending the resolution of those settlement discussions. Thus, since that status conference, the parties have not conducted meaningful discovery.

As explained in the parties' March 17, 2025 Status Report, the SETMA Defendants, Relators, and OnPoint finalized a Settlement Agreement on March 12, 2025. Due to this finalization, all parties agree the case should proceed as to the remaining defendants. Relators contend discovery should move forward. Defendants, who seek leave to re-file their motions to dismiss, contend the Court should extend the stay of discovery pending the Court's resolution of those motions.

Additionally, on May 14, 2024, the Court stayed this case and vacated all deadlines in response to then-Defendant Steward Health Care System LLC's Notice of Suggestion of Bankruptcy. (Dkt. 137.) That stay remains in place. Steward is no longer a party to this case. (Dkt. 138.) Therefore, Relators contend a bankruptcy stay under 11 U.S.C. 362(a)(1) is no longer necessary, and that stay should be lifted in its entirety. Defendants contend that stay should be partially lifted to allow Defendants to file their motions to dismiss, but the stay should remain in effect as to discovery.

Therefore, the parties respectfully request permission to submit briefing regarding the stays currently in place and whether they should continue going forward. Defendants intend to file a motion to partially lift the existing stay, or in the alternative, to extend the stay of discovery, which Relators intend to oppose, in part, and request the Court enter the following briefing schedule with respect to that motion:

- **April 4, 2025:** Deadline for Defendants to file a motion to partially lift the existing stay, or in the alternative to extend the stay of discovery;
- **April 18, 2025:** Deadline for Relators to respond to Defendants' motion to partially lift the existing stay, or in the alternative to extend the stay of discovery; and
- **May 2, 2025:** Deadline for Defendants to file a reply in support of their motion to partially lift the existing stay, or in the alternative to extend stay of discovery.

As to the renewed motions to dismiss, as explained above, at the Court's direction in March 2024, the Defendants withdrew then-pending fully briefed motions to dismiss the Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6). (Dkts. 133, 134.) Those motions had not been decided, and withdrawal was without prejudice to any defendant's ability to refile those motions. Relators do not intend to amend the Complaint at this juncture. Thus, Defendants seek leave to renew and refile motions to dismiss the Complaint. To that end, the parties request the Court enter the following briefing schedule with respect to the motions to dismiss:

- **April 25, 2025:** Deadline for Defendants to file motions to dismiss
- **May 16, 2025:** Deadline for Relators to respond to Defendants' motions to dismiss
- **May 30, 2025:** Deadline for Defendants to file replies in support of their motions to dismiss

Dated: March 28, 2025

Respectfully submitted,

/s/ Joshua M. Russ

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was filed on March 28, 2025, through the ECF system, and will thereby be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Allison N. Cook  
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